

26804. Adulteration and misbranding of sodium fluoride tablets. U. S. v. 4,500 Tablets Sodium Fluoride. Default decree of condemnation and destruction. (F. & D. no. 38166. Sample nos. 56537-B, 56547-B.)

This case involved an interstate shipment of sodium fluoride tablets that contained two-fifths grain of sodium fluoride each instead of one-half grain as represented on the label.

On August 14, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4,500 sodium fluoride tablets at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 24, 1935, and July 3, 1935, by F. W. Bascomb & Son from Detroit, Mich., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Sodium Fluoride $\frac{1}{2}$ Gr.", representing that each of the tablets contained one-half grain of sodium fluoride, when in fact each tablet contained less than one-half grain of sodium fluoride;

On October 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26805. Misbranding of Indian Remedy and Old Indian Liniment. U. S. v. 9 Bottles of Old Indian Liniment and 11 Bottles of Indian Remedy. Default decrees of condemnation and destruction. (F. & D. nos. 38194, 38195. Sample nos. 49409-B, 49410-B.)

The labels on these preparations falsely represented that they had been originated by the Indians, and also bore false and fraudulent curative or therapeutic claims.

On August 21, 1936, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 11 bottles of Old Indian Liniment and 9 bottles of Indian Remedy at Wichita, Kans. It was alleged that the articles had been shipped in interstate commerce by the Ponca Drug Co., from Ponca City, Okla., the Old Indian Liniment on or about February 19, 1935, and the Indian Remedy on or about July 25, 1935, and June 2, 1936, and that the articles were misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the Old Indian Liniment showed that it consisted essentially of kerosene with small amounts of mustard oil, eucalyptus oil, and camphor. Analysis of a sample of the Indian Remedy showed that it consisted essentially of magnesium sulphate (163 grains per fluid ounce), a minute amount of iron compound, and water.

The Old Indian Liniment was alleged to be misbranded in that the following statements appearing on the label falsely and fraudulently represented it was capable of producing the curative or therapeutic effects claimed: "A Healing Oil * * * Relieves burns, * * * sores, * * * ulcers, all flesh wounds, external inflammations, swellings, headache, nervousness, rheumatism, lame back, injuries caused by rusty nails, etc. * * * sores, all flesh wounds, external inflammations, * * * barb-wire injuries, swellings, etc." It was alleged to be misbranded further in that the statement, "Old Indian" and the representation of an Indian, borne on the label, were false and misleading, since the article was not known to the Indians and it contained ingredients that were unknown to them.

The Indian Remedy was alleged to be misbranded in that the following statements, appearing on the label, falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed: "For the Relief of Liver, Kidney and Bowel Disorders. This Stomach and Liver Remedy contains absolutely no injurious drugs * * * Acts quickly on the bowels for * * * flu, sick headache, liver, pains in back, sour stomach, * * * loss of appetite, tired feeling, chills and ague. * * * doing the work of calomel. A system regulator. * * * The results obtained in eliminating the poison from your system in a few hours is marvelous. * * * for acute indigestion repeat as often as necessary." Said article was alleged to be misbranded further in that the statement "Indian Remedy" and the representation of an Indian, borne on the label, were false and misleading, since it was